IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.618/2006

Nand Kishore S/o Bhur Ji & Others
...defendant-appellants
Versus
Srikishan Adopted Son of late Shri Ram Narayan
...plaintiff-respondent

Date of Order ::: 08.12.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri J.P. Goyal, Counsel for defendant-appellants
####

By the Court:-

Heard learned counsel for the defendant-appellants.

The plaintiff-respondent filed a suit for declaration to declare him as adopted son of late Shri Ram Narayan and for cancellation of sale-deed dated 21st of October, 1986. The learned lower court decreed the suit. The plaintiff was declared as adopted son and it was found that the sale-deed was executed without any consideration. The finding of the lower court about consideration for sale was based on the statement of the defendant wherein it was admitted that consideration remained with the defendant.

The judgment and decree passed by the lower court has been affirmed by the first appellate court.

I have heard the learned counsel for the appellants and after considering his submissions in the light of the findings of both the courts below I find that the question of adoption as well as

consideration for sale-deed dated 21st of October, 1986 are pure questions of facts in the facts and circumstances of the present case and there is concurrent finding of fact by both the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the CPC.

No substantial question of law is involved in this second appeal and the same is dismissed in limine.

(Narendra Kumar Jain) J.

//Jaiman//